

1 **NOTC**

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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

14 RONALD REAL MUEGO,

15 Plaintiff,

16 v.

17 RICHARD WILLIAM CASSALATA,
KNIGHT TRANSPORTATION, INC., DOES
18 I through V, and ROES CORPS VI through X,
inclusive,

19 Defendants.

Case No.: 2:20-cv-

**DEFENDANT'S PETITION FOR
REMOVAL**

22 COMES NOW, Petitioner/Defendant KNIGHT REFRIGERATED, LLC ("Defendant"), by
23 and through their attorneys, the law firm of WOOD, SMITH, HENNING & BERMAN, LLP, and
24 hereby remove the above-captioned action currently pending in the District Court of Clark County,
25 Nevada to the United States District Court for the District of Nevada.

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I.

BACKGROUND

1. On or about July 12, 2019, Plaintiff filed a Complaint in the Eighth Judicial District Court of Clark County, Nevada (hereinafter the "State Court Action"). The State Court Action was assigned Docket No. A-19-803195-C.¹

2. On or about January 13, 2020, Defendant Knight Transportation, Inc. was served with a copy of a Summons and Plaintiff's Complaint in the State Court Action.² This removal is therefore timely because Defendant is removing the State Court Action within thirty (30) days after the January 13, 2020 acceptance of service of process by Defendant Transportation. 28 U.S.C. §1446(b).

3. Knight Transportation, Inc., is named as a Defendant in the Complaint. The Complaint purports to assert a general cause of action for Negligence.³

4. In the Complaint, Plaintiff alleges injuries as a result of a motor vehicle accident that occurred on or about July 12, 2017.⁴

5. Plaintiff seeks in excess of \$15,000.00 for past and future medical expenses.⁵ Plaintiff further seeks in excess of \$15,000.00 for past and future pain, suffering, anxiety, loss of enjoyment of life, and general damages.⁶ Plaintiff is also seeking damages for past and future loss of income.⁷ Finally, Plaintiff alleges punitive damages in a sum to be determined at the time of trial.⁸

6. Pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1441(a), this Petition for Removal is being filed in the United States District Court for the District of Nevada, which is part of the "district and division" embracing the place where this action was filed – Clark County, Nevada.

7. Pursuant to 28 U.S.C. §1446(d), a Notice of Removal to All Adverse Parties will be promptly served upon Plaintiff's Counsel and filed with the Clerk of the District Court of Clark

¹ **Exhibit "A"**: Plaintiff's Complaint.

² **Exhibit "B"**: Service of Process Transmittal stamped January 13, 2020.

³ See Exhibit "A", generally.

⁴ Id. at p. 3.

⁵ Id. at p. 4.

⁶ Id.

⁷ Id.

⁸ Id. at p. 3.

County, Nevada.⁹

II.

STATUTORY REQUIREMENTS: 28 U.S.C. §1332

8. Diversity. This Court has diversity jurisdiction of this action pursuant to 28 U.S.C. §1332.

9. Plaintiff alleges in his Complaint that he is a resident of Clark County, State of Nevada.¹⁰

10. Defendant Knight Transportation, Inc. is an Arizona Corporation with its principal place of business in Arizona.

11. Plaintiff alleges in his Complaint that Defendant Richard William Cassalata is a resident of Arizona.¹¹

12. Diversity, therefore, exists because Plaintiff is a citizen of Nevada and Defendants are citizens of Arizona.

13. Amount in Controversy. Plaintiff seeks in excess of \$15,000.00 for past and future medical expenses.¹² Plaintiff further seeks in excess of \$15,000.00 for past and future pain, suffering, anxiety, loss of enjoyment of life, and general damages.¹³ Plaintiff is also seeking damages for past and future loss of income.¹⁴ Finally, Plaintiff alleges punitive damages in a sum to be determined at the time of trial.¹⁵

In Doelamo v. Karl-Heinz, this Court held that the amount in controversy was over \$75,000 based on the approximation of \$22,000 the plaintiff in that case claimed in past medical damages.¹⁶ The defendant in that case successfully argued that it, if the plaintiff were successful in his claim for

⁹ **Exhibit "C"**: Notice of Filing Petition for Removal to be filed concurrently with this Petition.

¹⁰ See Exhibit "A" at p. 1.

¹¹ Id. at p. 1.

¹² Id. at p. 4.

¹³ Id.

¹⁴ Id.

¹⁵ Id. at p. 3.

¹⁶ No. 2:14-CV-00339-RCJ, 2014 WL 2197640, at *1 (D. Nev. May 27, 2014)

1 lost past wages, he would likely be able to recover more than \$75,000 after factoring in future lost
 2 wages, pain and suffering, and attorney's fees.¹⁷

3 Here, because Plaintiff's claim for past and future medical expenses, general damages, past and
 4 future loss of income and punitive damages in excess of \$15,000.00 does not include computations —
 5 the total amount in controversy should be deemed to be in excess of \$75,000.

6 14. Thus, this Court has jurisdiction of this action pursuant to 28 U.S.C. §1332 since the
 7 alleged amount in controversy is in excess of \$75,000.00.

8 **III.**

9 **CONCLUSION**

10 Based on the forgoing, Petitioner/Defendant respectfully requests this action be removed to
 11 this Court, that all further proceedings in the State Court be stayed, and that Petitioner/Defendant
 12 obtain all additional relief to which they are entitled.

13 January 24, 2020

14 WOOD, SMITH, HENNING & BERMAN LLP
 15 Attorneys at Law

16
 17 By /s/ Analise Tilton

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 24 Inc.

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¹⁷ Id.

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January, 2020, a true and correct copy of **DEFENDANT'S PETITION FOR REMOVAL** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Michelle N. Ledesma
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